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1 THE VIDEOGRAPHER: This marks the end of tape No. 2
2 in the deposition of Gilbert Greaves. We are off the
3 record at 12:44.

4 (a brief recess was taken)

5 THE VIDEOGRAPHER: This marks the beginning of tape
6 No. 3 in the deposition of Gilbert Greaves. We are on
7 the record at 12:55.

8 MR. UELAND: Q Welcome back, Mr. Greaves.

9 Turning back to the time line, if you look to
10 the period right shortly after 1985, there is an arrow
11 that goes down and it says, market research Japan, use
12 of wet/dry shaver. And then underneath that in a box it
13 says cleaning with water U.S.A. (Phillips).

14 Do you know what that refers to?

15 A No.

16 Q So you don't know if that's the same product
17 that was referred to in -- well, let me ask it this way:
18 Do you know if that refers to Phillips' version of the
19 washable shaver?

20 A I don't know. I don't know.

21 Q All right. Beginning in 1990 -- now, I'm
22 correct that's when you started as business management
23 director of dry shavers?

24 A Correct.

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1 Q What -- do you know when in 1990?

2 A Excuse me?

3 Q When in 1990?

4 A January.

5 Q So first of the year?

6 A First of the year, yes.

7 Q It says first prototype Braun/Dr. Pahl, do you
8 see that?

9 A Yes.

10 Q And then if you flip to the next page where it
11 says document, do you see where it says first prototype
12 1990?

13 A Yes.

14 Q Do you recall that being the first prototype?

15 A I can't remember. I can't remember that at all.

16 Q Okay. So you don't know if that's the one that
17 you were referring to earlier in your deposition?

18 A That was demonstrated to me?

19 Q Yes.

20 A No, I can't recall.

21 MR. UELAND: Okay. Handing you what's been
22 previously marked as Defendant's Exhibit 7. There is
23 both the German version and the English translation
24 attached to that document. I don't know which you feel

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1 more comfortable with. I suppose from your earlier
2 answer it would be the English department. And that's
3 the one that is clipped to the back of that. So you can
4 just take the clip right off, sir, and you can just look
5 at the English document, if you want.

6 (Exhibit 7 previously marked and tendered.)

7 MR. UELAND: Q I'm going to just point you right
8 now to paragraph 4 of that document. And this is a
9 statement that was sworn to by Gebhard Braun. He says,
10 "From 1992 to 1995 I worked under the supervision of
11 Dr. Dietrich Pahl, director of research and development
12 for shavers in Braun's product development group."

13 Do you see that?

14 A Yes.

15 Q Okay. And underneath that in paragraph 5 it
16 says, "In 1992 Dr. Pahl asked me to develop further a
17 device for cleaning dry shavers," and then it says "(the
18 "cleaning center") that he had been developing."

19 A Yes.

20 Q "He showed me technical drawings, functional
21 models, and a prototype of the cleaning center."

22 Do you see that?

23 A Yes.

24 Q Okay. Do you understand from reading that that

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1 work on the cleaning center project began at least as
2 early as 1992?

3 A Yes.

4 Q Were you aware of Dr. Pahl's work on the
5 cleaning center project?

6 A I can't remember. I can't recall it.

7 Q Okay. Were you aware of Dr. Braun's being asked
8 to be involved in the project beginning in 1992?

9 A I can't remember. I don't know.

10 Q If this prototype was developed in 1990 as it
11 indicates in this time line, does it seem more plausible
12 to you that, in fact, it was Dr. Pahl who developed the
13 prototype instead of, as the time line indicates,
14 Braun/Pahl?

15 A I can't make a judgment on that.

16 Q I mean, it says in that paragraph 5, "He showed
17 me technical drawings, functional models and a prototype
18 of the cleaning center."

19 I mean, does that indicate to you that the
20 prototype was already designed before he asked Braun to
21 start working on the project?

22 A I'm not qualified to make a judgment on that. I
23 don't have the technical background.

24 Q What technical background do you think that that

31 (Pages 118 to 121)

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1 answer requires?

2 A Somebody from the patent department or somebody
3 from the engineering R & D department, but not from a
4 commercial guy.

5 Q Do you know what a prototype is?

6 A I know what the Braun definition of a prototype
7 is.

8 Q Okay. Sir, can you indicate for the camera on
9 which side of you Mr. Patton is sitting?

10 A Sorry?

11 Q Can you indicate for the camera which side of
12 you Mr. Patton is sitting?

13 A That's you?

14 MR. PATTON: That's me.

15 THE WITNESS: On my left side, that must be on the
16 camera's right side.

17 MR. UELAND: Thank you. I'm sorry, hold on a
18 second. Can we go back on the record or up.

19 Q Okay. What is the Braun definition of
20 prototype?

21 A When I stopped working on shavers, a prototype,
22 as I recall, was a working model of the final product
23 that also looked -- that functioned and looked exactly
24 like the final product, but it was like a one-off

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1 entity.

2 Q Okay.

3 A And it was used to -- you could do design tests
4 with it and you could do functional tests with it.

5 Q Okay.

6 A But that's a specific Braun definition of a
7 prototype. Now, that definition might subsequently have
8 changed since that time within the company.

9 Q So if the product -- or if the -- for lack of a
10 better word model didn't look exactly like the final
11 product, that did not meet the definition of prototype?

12 A To my understanding at that time, no.

13 Q Is that definition of prototype that you gave,
14 is that in any Braun policy?

15 A Used to be.

16 Q Okay. What policy is it in?

17 A I think it was in a document called a PPM
18 handbook.

19 Q PPM?

20 A Handbook.

21 Q What does PPM stand for?

22 A Product program management.

23 Q Was that product program management -- is that
24 right?

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1 A Correct.

2 Q Was that handbook updated on an annual basis?

3 A It was like a standard set of instructions, so
4 like the pilot code, once it's been set up, you follow
5 it.

6 Q Did they have that handbook in 1990?

7 A There was a version of it, yes, as I recall, as
8 I recall.

9 Q Okay. And was the definition of prototype
10 spelled out in that version of the handbook?

11 A As I recall, yes.

12 Q Would Dr. Pahl and Mr. Braun, would they be
13 aware of that definition of prototype?

14 MR. PATTON: Object to the form of the question.

15 THE WITNESS: I can't tell whether they were aware
16 or not.

17 MR. UELAND: Q But it was company policy, is that
18 right?

19 MR. PATTON: Same objection.

20 THE WITNESS: There was a handbook.

21 MR. UELAND: Q That stated company policy?

22 A That laid out how projects were to be run.

23 Q All right. Again, what would you call then
24 something a version of a product that wasn't a prototype

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1 or an earlier version?

2 A You would have a working model or a functional
3 model.

4 Q Do you know, then, if the prototype referred to
5 here in paragraph 5 -- well, looking at the picture of
6 it on B002045 on the time line, that does not look like
7 the final product, right?

8 A Which, this first prototype 1990?

9 Q Right.

10 A That is not a final product.

11 Q Is that a prototype?

12 A Obviously, according to the definition that I
13 have just given you, it's not. But I can't evaluate the
14 way people have used terminology here.

15 Q Do you recall ever seeing that first prototype?

16 A I can't recall -- I can't recall seeing this
17 one, no.

18 Q Did Dr. Pahl ever show you a prototype himself?

19 A I can't remember him doing so.

20 Q The only one you recall ever is the one that was
21 shown to you by Mr. Höser?

22 A Höser, correct.

23 MR. PATTON: If you want to stop for lunch, I think
24 that was just Jim Shimota.

32 (Pages 122 to 125)

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1 MR. UELAND: Okay. Would you like to stop and eat
2 lunch?
3 THE WITNESS: Yes, I'm getting quite hungry,
4 actually.
5 MR. UELAND: Let's go off the record and have lunch.
6 THE VIDEOGRAPHER: Off the record at 1:05.
7 (a brief recess was taken)
8 (Whereupon, Mr. James Shimota entered the
9 deposition.)
10 THE VIDEOGRAPHER: On the record at 1:53.
11 MR. UELAND: Q Welcome back.
12 Right before we went to lunch I asked you
13 whether Dr. Pahl had ever shown you a prototype of the
14 cleaning system.
15 Do you remember that?
16 A No, I don't remember -- I'm sorry, I remember
17 the question.
18 Q Right. But you don't remember --
19 A I don't remember.
20 Q Okay. Do you know, do you remember, had
21 Dr. Pahl shown you any drawings of the cleaning system?
22 A I can't recall him doing so.
23 MR. UELAND: Okay. I'm going to hand you what's
24 previously been marked as Defendant's Exhibit No. 2.

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1 (Exhibit 2 previously marked and tendered.)
2 MR. UELAND: Q It is, as you can see, quite a
3 large document. I have a reduced copy that you can take
4 a look at if you want.
5 Mr. Greaves, have you ever seen this document
6 before?
7 A I don't remember ever seeing it.
8 Q Do you ever remember seeing -- apart from this
9 specific document, do you recall seeing a drawing like
10 this one related to the cleaning system?
11 A I can't remember, no.
12 MR. UELAND: I'm going to hand you in conjunction
13 with that document what's been previously marked as
14 Defendant's Exhibit No. 1, and this is a declaration
15 given by Dr. Dietrich Pahl in this case.
16 (Exhibit 1 previously marked and tendered.)
17 THE WITNESS: Uh-huh.
18 MR. UELAND: Q This isn't the document that you
19 were shown this morning, was it?
20 A I haven't seen this document before.
21 Q If you can turn to the second page, paragraph 5,
22 this says that, "I began working on the device by
23 mid-1992 at a Braun research and development facility in
24 Lyon, France."

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1 Do you see that?
2 A Yes.
3 Q Does that refresh your recollection at all that
4 the cleaning center project was began as early as
5 mid-1992?
6 A It doesn't refresh my memory, no.
7 Q Were you aware that Dr. Pahl was at the research
8 and development facility in Lyon in that time period?
9 A I knew that it fit under his area of
10 responsibility, yes.
11 Q Okay. In addition to his function as director
12 of research and development of shavers in Kronberg?
13 A Correct.
14 Q In that same paragraph it says, "Starting in
15 1992 and through beginning of 1993 I developed a basic
16 idea and design concept for a device for cleaning dry
17 shavers."
18 Do you see that?
19 A Yes, yes.
20 Q Do you have any reason to disagree with the
21 fact, as stated there, that the basic idea and design
22 concept was developed in 1992 and 1993?
23 A I have no knowledge when this project actually
24 started.

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1 Q So you have no reason to disagree with that
2 statement?
3 A No, I have no reason to disagree.
4 Q Okay. In paragraph 6 it says, "I commissioned
5 technical drawings, one of which I attached to this
6 declaration as Exhibit A," I will represent to you that
7 this is Exhibit A as attached, "and functional models
8 and a prototype of the cleaning center."
9 Before we went to lunch, we talked about the
10 difference between functional models and a prototype.
11 A Uh-huh.
12 Q Can you tell me again how do you distinguish
13 between those two?
14 A In the definition I'm familiar with from my time
15 in business management, a prototype would be a one-off
16 working model of the product to be manufactured that
17 replicated the functions of the product exactly and also
18 reflected the final design, so to all intents and
19 purposes it was exactly like the final product was going
20 to be.
21 Q Okay.
22 A And with this prototype you could do functional
23 tests, sound tests, you could even do handling tests
24 because it was exactly one to one what the final product

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1 was going to be.

2 A functional model would be a contraption that
3 would demonstrate that the function of the product could
4 be fulfilled. In this instance a functional model would
5 demonstrate that the shaver was cleaned, but it would
6 not in any way represent the final shape or form of the
7 product.

8 Q Okay. I'm sorry, were you finished?

9 A Yes.

10 Q I had asked you earlier if you had seen any
11 prototypes prior to the one that you remember Mr. Höser
12 showing you and you said no.

13 Do you recall seeing any functional models of
14 the cleaning center project prior to that?

15 A No.

16 Q Do you recall ever seeing a functional model as
17 opposed to a prototype?

18 A To repeat, the only thing I can recall seeing
19 for the first time is the functional model, whatever it
20 was, that Mr. Höser demonstrated to me.

21 Q Okay. What about in conjunction with your
22 preparation of that case study that we talked about this
23 morning, did you ever have occasion to look at any
24 functional models of the cleaning center project?

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1 A No. I only requested photographs.

2 Q Okay. And the photographs that you were shown,
3 was that a prototype or was that a functional model?

4 A Under the definition that I know, it would be a
5 functional model.

6 Q Is that the earliest that you became aware that
7 there were functional models of the cleaning center
8 product?

9 A On the occasion of Mr. Höser's demonstration,
10 yes, that was the earliest time.

11 Q I'm sorry. And it's probably in the way I
12 phrased the question.

13 We were talking about your development of that
14 case study, and you said you saw a photograph of what
15 you would term as a functional model, is that right?

16 A Well, I think I talked about two photographs.

17 Q Oh, okay.

18 A One was a very early version which I recollect
19 being told was developed around 1990.

20 Q Uh-huh.

21 A And then there was another photograph which
22 was -- came from '95, '96 -- well, sorry, a photograph
23 of another version, functional model, whatever you call
24 it. So there were two, one dated 1990, one dated '95,

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1 '96.

2 Q Okay. So neither photograph represented what
3 you would term as a prototype?

4 A Not the definition of the prototype as being a
5 one-off version of the final product, perfect in
6 appearance and function.

7 Q And was it, when you first received those
8 photographs in 2002, is that the first time that you
9 became aware that there were functional models of the
10 cleaning center device?

11 A Well, I had been aware of the version that
12 Mr. Höser demonstrated.

13 Q The prototype?

14 A Whatever we want to call it, the thing that
15 worked that he showed me in 1995, '96. It was the first
16 time I became aware that there had been a previous
17 version dating from the early '90s.

18 Q Okay. Do you know whether or not the version
19 that you were shown by Mr. Höser in the 1995-1996 time
20 period, whether that had all the components that are
21 covered by the patents?

22 A I can't tell. I don't know and I can't tell.

23 Q Do you know if there was any further development
24 of that prototype that you were shown between that time

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1 period and the time it was commercialized?

2 A I don't know. All I can say is the -- there is
3 a big difference between what I saw demonstrated and the
4 final product. What actually happened I don't know.

5 Q You said that there was a big difference between
6 what you were shown and the final product.

7 You had -- You own a final product, right?

8 A Yes.

9 Q What differences can you tell me about?

10 A For one, the size.

11 Q Okay.

12 A It's much smaller.

13 Q The final product?

14 A The final product.

15 Q Okay.

16 A As I recall, the final product is fully
17 automatic. The unit that was demonstrated was not --
18 you had to press a button to get it to work, et cetera,
19 it didn't work just by putting the shaver in, and just
20 those two things.

21 Q When you were shown the working model or
22 prototype, did Mr. Höser actually run it for you?

23 A Yes, he demonstrated it.

24 Q Did you have any impressions of the device based

34 (Pages 130 to 133)

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1 on what you saw when he ran the device?

2 A Well, I think I mentioned before I was struck by
3 the fact that it was bulky, what he showed me and it was
4 noisy.

5 Q I'm sorry, it was?

6 A Noisy, loud, it made a lot of noise.

7 Q Did the fact that it was noisy, did that
8 contribute to your negative impression or skepticism
9 about this product?

10 A The size of the noise and the cost, I think
11 those are the three things I mentioned, noise, cost, and
12 size where I had a question mark.

13 Q Were there any other things that you had a
14 question mark about based on that first time you saw it?

15 A No, those are the three key -- three areas of
16 concern.

17 Q Okay. Do you recall having any concern about
18 the smell that was generated by the prototype?

19 A No, no.

20 Q Did that ever come to be a concern in connection
21 with the development?

22 A I don't know. This was -- I don't know. As I
23 said, I moved off shavers in '97.

24 Q So in the time period that you were there,

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1 though, until 1997 --

2 A It wasn't an issue, no.

3 Q Taking a look at paragraph 7 of the Pahl
4 declaration, it says, "The cleaning center had many
5 components, including a trough or cradle in which the
6 shaving head of a dry shaver could be placed." And it
7 says, "See Exhibit A," which, as I said, is this
8 drawing, showing the cradle as P204.

9 Can you find that on the drawing?

10 A P204.

11 Q It's in the diagram that's -- I guess it's
12 lettered F1 in the middle.

13 A P250.

14 P204, yes, got it.

15 Q Do you know if the model or prototype that you
16 were shown in 1995, 1996, had a spot for the head of a
17 dry shaver?

18 A I can recall that the head of the shaver was
19 partially immersed in the liquid, that's all I can
20 recall.

21 Q Okay. And the rest of the shaver was not?

22 A No.

23 Q Okay. So was there a specific area or like a
24 trough for the head of the shaver?

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1 A All I can remember was that the head was in
2 liquid, that's all I can recall.

3 Q Do you see how it's depicted in the diagram at
4 P204?

5 A Uh-huh.

6 Q Did the model that you saw, did it look like
7 this drawing?

8 MR. PATTON: Well, I object to the form of the
9 question.

10 THE WITNESS: I can't, I'm not able -- I do not have
11 the ability to transfer two-dimensional drawings into
12 three-dimensional objects.

13 MR. UELAND: Q All right. If you look at
14 paragraph 8 of the Pahl declaration, it says, "The
15 cleaning center also had a container for cleaning fluid
16 which is positioned below the cradle," and that's
17 referenced that P203 of the same drawing, do you see
18 that?

19 A Uh-huh.

20 Q Did the model that you were shown in that 1995,
21 1996 time period, did that have a cleaning fluid
22 container?

23 A I can't remember.

24 Q Well, you said that Mr. Höser ran the device for

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1 you, right?

2 A Correct.

3 Q Was there cleaning fluid involved in that
4 device?

5 A There was cleaning fluid, yes.

6 Q Well, was there a contain for it anywhere in the
7 device?

8 A Yes, obviously, but I don't know if it was --
9 where it was positioned -- I can't remember where it was
10 positioned.

11 Q But you know that there was a cleaning fluid
12 container in the device you saw?

13 A Yes.

14 Q It says in paragraph 9, "During the cleaning
15 operation an electrical circuit activated a pump."

16 Do you know if the model that you saw in 1995,
17 1996, did that utilize a pump?

18 A I can remember the shaver head being cleaned.
19 What drove the apparatus I can't recall.

20 Q Did Mr. Höser explain how the apparatus was
21 working when he showed it to you?

22 A Yes.

23 Q Do you remember, did he tell you whether or not
24 that there was a pumped that pumped --

35 (Pages 134 to 137)

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1 A I can't remember the details of his explanation.
 2 Q Can you remember as a general matter what he
 3 told you about how the cleaning center worked?
 4 A In very general vague terms, yes.
 5 Q What can you remember in general terms?
 6 A The circulation of the fluid would flush out the
 7 hair residue. I think the alcohol would remove the fat
 8 deposits on the foil and cutter block.
 9 Q So you understood that there was fluid being
 10 circulated somehow in the device?
 11 A Yes.
 12 Q And whether or not that was a pump you don't
 13 know?
 14 A I can't recall exactly.
 15 Q But there was certainly a device for pushing the
 16 cleaning fluid through the device?
 17 A Yes.
 18 Q Based on the paragraphs that we just talked
 19 about and the specific components that I asked you
 20 about, the cradle or trough, the cleaning fluid
 21 container and the pump that Mr. Pahl -- or Dr. Pahl says
 22 were in his drawings and in his functional prototype in
 23 1992, 1993, those same components were all in the model
 24 or prototype that you saw later on?

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1 MR. PATTON: I'm sorry, I object to the form of the
 2 question. This has been asked and answered in various
 3 forms.
 4 THE WITNESS: I don't know. I just don't know.
 5 MR. UELAND: Q Well, I mean, didn't we just talk
 6 about each of those things, each of those components and
 7 you said that each of those were in the model that you
 8 saw in 1995, 1996, right?
 9 MR. PATTON: I'm sorry, I object to the form of the
 10 question. That is not what the witness testified. His
 11 testimony is recorded.
 12 MR. UELAND: Q Was there a cradle in the model
 13 that you saw or a spot where the shaver head was
 14 immersed in water?
 15 A I think I've said I remember the shaver head
 16 being immersed in water -- in the cleaning liquid. How
 17 that was done I can't recall.
 18 Q Turning to paragraph 20, it says, "In 1992 as
 19 part of my duties as director of research and
 20 development for shavers, I began to supervise Mr. Braun
 21 and asked him to develop further the cleaning center
 22 that I had begun developing in France."
 23 Was it common for you as the head of -- or the
 24 business manager of the dry shaver unit to have contact

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1 with the director of research and development for
 2 shavers?
 3 A I worked with Dr. Pahl.
 4 Q Okay. Does this refresh your recollection that
 5 in 1992 the director of research and development,
 6 Dr. Pahl, began to supervise Mr. Braun in developing the
 7 cleaning center?
 8 A I don't recollect this, no.
 9 Q When is your -- Do you have any recollection of
 10 any conversations with Dr. Pahl about the cleaning
 11 center project?
 12 A Not with Dr. Pahl, no.
 13 Q Does that surprise you that you wouldn't know or
 14 that the director of research and development for
 15 shavers wouldn't tell the business management director
 16 for dry shavers about the development of a new cleaning
 17 system?
 18 MR. PATTON: I object to the form of the question.
 19 The witness has testified he doesn't have a
 20 recollection. He has not testified that he wasn't told
 21 something. He's testified he doesn't have a
 22 recollection. It's unfair to the witness to put a
 23 question that has in it a premise that is not what he
 24 has said.

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1 MR. UELAND: Q Can you answer that question?
 2 A Can you repeat the question?
 3 Q Sure. My question was and, Mr. Patton, your
 4 objection will stand, does it surprise you that being
 5 the business management director of the dry shaver unit
 6 that you were not aware of Dr. Pahl beginning to
 7 supervise Mr. Braun in further developing the cleaning
 8 center project?
 9 A I think I've explained how the R & D department
 10 works. And there is -- they're working on so many
 11 projects that may never see the light of day that it is
 12 absolutely normal that, anyway, that I can't recall.
 13 And if I was informed and have subsequently forgotten,
 14 it wouldn't surprise me.
 15 Q Do you think that it's likely that he would have
 16 told you that?
 17 MR. PATTON: Object to the form of the question.
 18 THE WITNESS: I have no idea. I can't put myself in
 19 his mind.
 20 MR. UELAND: Q Okay. Handing you -- Would it
 21 surprise you to learn that Dr. Pahl testified that he
 22 showed you a prototype of the cleaning center project
 23 and told you about it in the 1992, 1993 time frame?
 24 MR. PATTON: Object to the form of the question.

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1 THE WITNESS: I can't recollect Dr. Pahl showing me
2 a prototype.
3 MR. UELAND: Q Would it surprise you that
4 Dr. Pahl -- that he testified that he did do that?
5 MR. PATTON: Please note my objection.
6 THE WITNESS: No.
7 MR. UELAND: Q It wouldn't surprise you?
8 A It wouldn't surprise me at all.
9 Q So the conversation could have occurred?
10 A I can't remember being told about or seeing the
11 prototype before the demonstration by Mr. Höser.
12 MR. UELAND: Handing you what's been previously
13 marked as Defendant's Exhibit 8.
14 (Exhibit 8 previously marked and tendered.)
15 MR. UELAND: Q If you take a look at that
16 document, and I think that there is German pages and
17 English pages, so there is duplicate pages back to back.
18 A Okay.
19 Q Mr. Greaves, have you ever seen this document
20 before?
21 A I don't remember seeing it, no.
22 Q Do you know what this document is?
23 A It seems to be a notification of an invention to
24 the patent department or application.

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1 Q Is this a common form or was this a common form
2 in Braun?
3 A I don't remember seeing it. I don't remember
4 seeing either this document or this form.
5 Q So you don't know if it was standard in Braun
6 for inventors to fill out an application and submit it
7 to the patent department?
8 A I knew that they did it, but at this point in
9 time I can't recollect what formats they used.
10 Q Okay. So would you review a document like this?
11 Not specific -- and I'm not tying that question to the
12 cleaning center project. I'm talking about an invention
13 application to the patent department related to
14 inventions for dry shavers at all, would you ever see
15 that, this kind of document?
16 A As I say, I don't recall seeing this. I don't
17 recall seeing this.
18 Q Do you recall seeing any sorts of documents from
19 inventors prior to the time that they were submitted to
20 the patent department?
21 A What would come across the desk of a product
22 line director was an application to progress with the
23 project, that was something that came across quite
24 regularly or quite often on all kinds of projects.

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1 Q This application to progress with the project,
2 who would submit that to a product line director?
3 A That would come out of the R & D department.
4 Q Okay. Was it filled out by the director of the
5 R & D department?
6 A Yes, or by his people, yes.
7 Q Okay. So in this 1992, 1993 time period, the
8 director of the R & D department for dry shavers was
9 Dr. Pahl?
10 A Correct, yes.
11 Q Okay. Did you ever receive an application to
12 proceed with this project from Dr. Pahl?
13 A I couldn't recollect it until this morning.
14 Q You couldn't recollect --
15 A Recollect having seen it until this morning.
16 Q Oh, you saw the application from --
17 A Yes.
18 Q Okay. And you testified earlier that that was
19 produced in this litigation or you represented that?
20 MR. PATTON: I do.
21 MR. UELAND: Q Okay. So you did receive one,
22 then, from Dr. Pahl?
23 A Yes, my signature is on the document.
24 Q Okay.

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1 A But I have no recollection of having seen it or
2 having signed it.
3 Q Was it necessary for the director of research
4 and development or for a project to go forward to get or
5 to fill out that application to progress?
6 A It was part of the procedure at the time, yes.
7 Q So it was required?
8 A Yes.
9 Q So the project couldn't proceed unless you
10 signed off on it?
11 A It would have caused problems, yes, it would
12 have caused problems.
13 Q Okay. In conjunction with you signing off on
14 this application to continue progress on the cleaning
15 center project, do you recall inquiring into the status
16 of the project?
17 A No.
18 Q Do you recall receiving a report as to where the
19 project was at?
20 A Not until the demonstration by Mr. Höser.
21 Q Okay. If you look at the first page of this
22 document in English, I guess, if that's more comfortable
23 for you, above the signature lines do you see where it
24 says, "It is hereby assured that all information was

37 (Pages 142 to 145)

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1 provided to the best of my knowledge and that no
 2 additional inventors participated in the creation of
 3 this invention?"
 4 A I'm sorry, where is this?
 5 Q I'm sorry, if you let me point.
 6 A Oh, here, sorry, yes.
 7 Q Do you see that?
 8 A Uh-huh, yes.
 9 Q Do you know why the patent department required
 10 the applicant to make that statement and to sign it?
 11 A No, I don't know why.
 12 Q Do you know if it was the policy within Braun to
 13 make sure that the proper inventor was named on an
 14 invention?
 15 A I don't know anything about the policy.
 16 MR. UELAND: Okay. I am handing you what I'm going
 17 to mark as Defendant's Exhibit 43.
 18 (Exhibit 43 marked as requested.)
 19 MR. UELAND: And it's Bates labeled B000861. And
 20 there is also attached to this document a translated
 21 version that's Bates labeled B000861 ENG.
 22 I'm also going to hand you what I'll mark as
 23 Defendant's Exhibit 44.
 24 (Exhibit 44 marked as requested.)

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1 MR. UELAND: Q And it's Bates labeled B00856.1
 2 through 860. And included within this document are
 3 translated versions that bear the same Bates numbers
 4 with the suffix ENG.
 5 And I will just state on the record that my
 6 colleague Mr. Shimota marked the document together as
 7 one, and I am now marking the two documents pulled out
 8 as separate exhibits.
 9 Turning first to the document Bates labeled
 10 B00861, is that the document you were shown this
 11 morning?
 12 A 861?
 13 Q Correct.
 14 A No.
 15 Q No, it's not?
 16 A No.
 17 Q Do you see at the top of the document it says
 18 from patent department to Gilbert Greaves and
 19 Dr. Dietrich Pahl?
 20 A Yes.
 21 Q Is this document Dr. Pahl's response?
 22 A Yes. This is -- It's not my handwriting.
 23 Q Why did the patent department send this document
 24 to you and to Dr. Pahl?

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1 MR. PATTON: Object to the form of the question.
 2 THE WITNESS: I don't know.
 3 MR. UELAND: Q I'm sorry?
 4 A Can you repeat the question.
 5 Q Do you know why the patent department sent this
 6 document to you and Dr. Pahl?
 7 A Again, I think I've explained the process.
 8 Limited resources, not all projects can be pursued,
 9 there is a cost in applying for things. You don't apply
 10 for a patent for a product that has a low chance of
 11 commercial realization, so that's why these things were
 12 circulated.
 13 Q Is this the application to progress that you
 14 referred to earlier?
 15 A As I recall, yes, if my recollections are
 16 correct.
 17 Q Let's take a look at Defendant's Exhibit 44,
 18 specifically page 000856.1, is this your handwriting?
 19 A Is this my signature?
 20 Q Yes.
 21 A Yes, that's my signature.
 22 Q Okay. The date of this document is August 3rd,
 23 1993. Do you understand this application to progress
 24 being related to the cleaning center project?

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1 A If these attachments were attached to this
 2 document in 1993, yes. But I can't see from the
 3 document -- I mean, if you look at the title page, it
 4 lives and breathes with what's attached to it. So if
 5 this technical stuff was attached to it in 1993, yes.
 6 Q Does that invention application file No. 5818,
 7 does that have any meaning to you?
 8 A I have to see what document it refers to. I
 9 can't recall.
 10 Q Do you have any reason to believe that those
 11 attachments that are attached to this document weren't
 12 attached to it?
 13 A No, I have no reason to believe -- I'm just
 14 answering your question. If 5818 -- 05818 refers to the
 15 documentation on the cleaning center, then that's it.
 16 There has to be a whole mass of documents attached to
 17 this.
 18 Q A whole mass of documents?
 19 A Well, it has to be attachment.
 20 Q When you filled out forms like this, did it
 21 usually have a larger attachment attached to it than
 22 just these pages?
 23 A It would have a description of the product.
 24 Q Would that generally be lengthier or longer than

38 (Pages 146 to 149)

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1 the attachment that's attached here?

2 A No, it would be something in this scope, yes.

3 Q So this looks about right to you?

4 A Looks about from my -- I mean, I can't remember

5 this specific document, but lots of documents like this

6 came across my desk.

7 Q This asks you a series of questions and you

8 responded to them. The first question is: Do you

9 consider the proposal to be a practicable solution to

10 achieve the intended objective. And you answer yes.

11 A Uh-huh.

12 Q Is that right?

13 Do you recall why you thought that?

14 A No.

15 Q Do you recall thinking that the cleaning center

16 project -- Well, let me ask you this way: You testified

17 in 1995 and 1996 when you saw it you were skeptical

18 about it, right?

19 A Correct.

20 Q Now, this document is dated August 3rd, 1993,

21 and this says: Do you consider the proposal to be a

22 practicable solution to achieve the intended objective?

23 And the answer there is yes.

24 A Uh-huh.

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1 Q Do you know why you had a difference of opinion

2 two years earlier?

3 A Well, I think as I've said, the first time I saw

4 anything physical was in '95, '96 when Mr. Höser

5 demonstrated the functional model for the first time.

6 That triggered the reactions you've talked about here.

7 And I can't remember this coming across my

8 desk. I really can't -- I can't remember anything about

9 the reasons for my answers on this page.

10 Q Do you have any reason to believe that you

11 didn't think that it was practicable in 1993?

12 A Let me say it again. I can't remember this

13 document coming across my desk.

14 Q That's fine. My question is a little different.

15 A And I can't remember the reasons for the

16 evaluations on this document. I just cannot remember.

17 I had many, many documents of this kind coming across my

18 desk all through my time in business management.

19 Q I appreciate that. My question is: Do you have

20 any reason to disagree with or any reason to think that

21 what you wrote in 1993 wasn't true at the time?

22 A I can't answer that because I can't remember the

23 reasons for the answers.

24 Q Okay. This says -- question No. 2 is: Is it

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1 proposed to implement the proposal in an existing or

2 future product in which in-house product? And there is

3 a handwritten response on 856.1 in the version that has

4 not been translated.

5 Can you read that handwritten response?

6 A Across No. 2?

7 Q Correct.

8 A That means possibly, 6016, that's the code name

9 of the shaver; and 94 means products after '94. Is that

10 what you're referring to?

11 Q No, sir, I'm referring to the other document,

12 the one that's Bates labeled 856.1. There is a -- right

13 here, do you see that handwriting?

14 A Yes.

15 Q Is that your handwriting?

16 A This handwriting?

17 Q Right.

18 A No, no.

19 Q All right. I'm confused. I'm sorry. I thought

20 that you had testified that 856.1 is your signature?

21 A This is my signature.

22 Q But that's not your handwriting?

23 A But this is not my handwriting. Is that your

24 question?

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1 Q Yes.

2 A Yes, this is my signature, but that's not my

3 handwriting.

4 Q Whose handwriting is that?

5 A I don't know.

6 Q So are these not your responses?

7 A They're not the responses I wrote. It's not my

8 handwriting.

9 Q Would you typically sign off on something that

10 you didn't write?

11 A I would sign off on something that I agreed with

12 at the time.

13 Q Okay. Did you ever or do you remember having

14 someone else fill out something for your signature? Let

15 me change the question.

16 When you received these applications to

17 progress with the project -- well, first, let me ask

18 you, that's a pretty important step, I think you

19 testified earlier, that it's required, right?

20 A Yes.

21 Q So you take them pretty seriously, right?

22 A Yes. What --

23 Q Sorry. Sir, the question is yes or no.

24 MR. PATTON: I'm sorry, the answer is the witness'

39 (Pages 150 to 153)

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1 answer. He can answer the question however he can
2 answer it if he can answer it.

3 THE WITNESS: Can you repeat the question.

4 MR. UELAND: Q So did you take these forms
5 seriously? Were they important?

6 A Yes.

7 Q Okay. Did you take care in filling them out?

8 A Yes.

9 Q Did you usually have someone else fill out the
10 form for you? Was that a standard practice?

11 A No. What could happen is that answers would
12 have been put in that I agreed with or that I couldn't
13 add to or there was nothing more that I could add. So I
14 would accept the opinion of somebody who had seen the
15 document before.

16 Q Okay. Well, this document is addressed to you
17 and to Dr. Pahl. And we have a document that reflects
18 Dr. Pahl's responses and we have this document.

19 Who do you think would have filled out the
20 document?

21 A I have no idea. I don't recognize the
22 handwriting.

23 Q That's not your secretary's handwriting?

24 A I don't know. I can't recall. I don't

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1 recognize the handwriting.

2 Q So would you sign off on something that you
3 agree with the substance but you don't know who wrote
4 it, is that something that you would typically do?

5 MR. PATTON: Well, I object to the form of the
6 question.

7 THE WITNESS: Well, I can only speculate.

8 MR. PATTON: Don't speculate.

9 THE WITNESS: I can only speculate. I don't know
10 who wrote it. I can't remember signing this document.
11 I did sign it, but I can't remember signing it. And I
12 don't know the reasons that I agreed with the
13 evaluations that you see on the document.

14 MR. UELAND: Q Would you have signed it if you
15 didn't agree with the evaluations?

16 A I would not sign something I don't agree with.

17 Q Can you read the handwriting on that page across
18 from No. 2?

19 A This one?

20 Q Correct.

21 A I think this is a ja or German for yes.

22 Q Okay.

23 A No. 3.

24 Q I'm sorry, is that all that's written across

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1 from No. 2? Because it looks like to me in No. 1 that
2 looks like ja. And then in No. 2 it looks like two
3 words.

4 A I would assume it's eignes product, which means
5 own product.

6 Q Okay.

7 A I think, if I read the writing correctly.

8 I think No. three is a ja, a yes again and then
9 there are two question marks.

10 And No. 5 I think it says siehe anhang, which
11 means refer to attachment. On anhang is attachment in
12 German and siehe is look at. So that means look at the
13 attachment.

14 Q Okay. Is it referring to -- well, the question
15 there where it says see attachment or refers to the
16 attachment, it says, "Are you aware of prior art going
17 beyond the details in the invention application?" And
18 it says "state sources." And the response is, "See
19 enclosure."

20 A Uh-huh.

21 Q That's not referring to what's attached to this
22 document, is it?

23 A I don't know. I don't know. All I can say is
24 this to me looks like look at attachment.

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1 Q Okay. Is that look at attachment, is that a
2 response that you would have filled out on a form like
3 this -- and not this form, but you said you saw many
4 forms like this come across your desk when you were the
5 business management director for dry shavers. Would you
6 often just refer in your answer to enclosures in
7 response?

8 A Yes.

9 Q And would that be, then, something that you
10 would provide in response, documents that you were aware
11 of that answered the question that was asked?

12 A If it was a commercial document, yes.

13 Technical, no.

14 Q Okay.

15 A I would not prepare a technical document.

16 Q Do you know what prior art is?

17 A I'm not sure.

18 Q When you would receive these documents as the
19 director or business management director for dry
20 shavers, did you ever ask anybody for guidance as to
21 what prior art meant?

22 A Well, my assumption is that something that has
23 been invented already, it's already on the market, it's
24 not new and original.

40 (Pages 154 to 157)

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1 Q Did you use that assumption when you filled out
2 these forms?

3 A Can you explain?

4 Q Sure. My question to you -- my initial question
5 was, was you testified before that as business
6 management director, you had received many, many forms
7 like this one and filled them out, right? And for that
8 question that says -- that asks about prior art, I asked
9 you if you knew what prior art was?

10 A I think earlier this morning I said that from a
11 commercial point of view the stronger and more
12 comprehensive patent protection was, obviously the more
13 interesting the commercial project would be because that
14 would be a longer time without competition for some
15 commercial reasons.

16 If something -- if prior art means that there
17 is something like this already on the market or it's not
18 original, then, obviously, the danger of a copy is much
19 greater and the commercial potential is probably less.
20 That's, I think, what I said earlier this morning.

21 Q Okay.

22 A And, therefore, the whole issue is this an
23 original invention, is it going to be protected by
24 patents, or is it something that is me, too, and is

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1 going to be knocked off very quickly is always central
2 to any company selling products.

3 Q Is that what you understood the import of
4 question No. 5 to be?

5 MR. PATTON: Well, I object to the form of the
6 question. Again, the witness has testified he doesn't
7 recall this document.

8 MR. UELAND: Q I'm not tying it specifically to
9 this document.

10 Do you understand that explanation that which
11 you just gave about the commercial liability of seeking
12 patent protection to be the import of question No. 5?

13 A It's part of it. It's part of it.

14 Q Are there other parts of it?

15 A Well, obviously, No. 4.

16 Q I'm not talking about No. 4. I'm talking about
17 No. 5.

18 A I'm saying that No. 5 is part of all the
19 considerations that were going to the issue of patent
20 protection.

21 Q Okay. Do you recall reviewing these enclosures
22 that are listed in response to question No. 5 on
23 document B00856.1?

24 A No, I don't recall because my first recollection

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1 of this project is the demonstration by Mr. Höser in
2 '95, '96.

3 Q So this doesn't refresh your recollection of
4 reviewing any enclosures?

5 A No, it doesn't, not at all.

6 Q Would you have signed this document without
7 reviewing those enclosures?

8 A I can't tell. I mean, as I say, I cannot
9 remember this document coming across my desk, although
10 my signature is on the document.

11 Q As a practice would you sign something without
12 knowing what you were agreeing to or supporting?

13 A In general principle, no.

14 Q Is there any reason to think that you would have
15 done so here?

16 A I can't think of a reason. But as I repeat
17 again, although my signature is on this document, I
18 cannot recall it coming across my desk and I cannot
19 recall signing it.

20 Q And so you don't know who would have supplied
21 those enclosures?

22 A I do not know who supplied those enclosures.

23 Q Do you have -- who do you think might have?

24 MR. PATTON: I object to the form of the question.

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1 THE WITNESS: I have no idea. This is almost 15
2 years ago. I can't recall.

3 MR. UELAND: Q I appreciate that it's been a
4 while.

5 Well, you see here that it's also addressed to
6 Dr. Pahl, and 861 is Dr. Pahl's response?

7 A Yes.

8 Q Do you recall discussing this document with
9 Dr. Pahl?

10 A No. As I say, my -- again, my initial first
11 recollection of this project is the demonstration by
12 Mr. Höser.

13 Q Do you think that it's likely you would have
14 talked to Dr. Pahl about your response to this document?

15 A I can't recall any conversation with him.

16 Q Do you keep a calendar, Mr. Greaves?

17 A Yes.

18 Q Did you keep a calendar as of August 3rd, 1993?

19 A Yes, of course.

20 Q If you had met with Dr. Pahl around August 3rd,
21 1993, would that meeting be listed in your calendar?

22 A If I had met with him, his name would be in the
23 calendar.

24 Q Okay.

41 (Pages 158 to 161)

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1 A Almost definitely not the topic of the meeting.
2 Q Do you keep your calendar from year to year?
3 A No.
4 Q So is your calendar from 1993 destroyed?
5 A Yes, because I've moved house at least four
6 times since 1993.
7 Q Can you think of any other way since you don't
8 recall to determine whether or not you spoke with
9 Dr. Pahl in or around August of 1993 regarding this form
10 or regarding the cleaning center project?
11 A I can't think of a way you could reconstruct it
12 from today.
13 Q This says, if you look down at 6.1: Do you
14 consider the inventor details to be correct? Do you see
15 that?
16 A Yes.
17 Q And there is no response on your document.
18 A Yes.
19 Q My first question to you is, well, do you know
20 why this question was on this document?
21 A No.
22 Q You don't know why -- well, was it Braun policy
23 to make sure that the details of inventorship were
24 correct?

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1 MR. PATTON: Well --
2 THE WITNESS: I can't give you any information on
3 Braun patent policy. I just don't know.
4 MR. UELAND: Q Who would know about Braun patent
5 policy, who would know the answer to that question?
6 A Somebody in the patent department.
7 Q Can you think of any names?
8 A Mr. Sievers.
9 Q Would he know if it was Braun policy to make
10 sure that --
11 A I don't know. All I can say is that he might be
12 able to help you to get the information you need.
13 Q Did you review the attachments to 856.1 do you
14 remember? No?
15 A I cannot remember anything prior to the
16 demonstration in '95, '96.
17 Q Did you review the attachments to 856.1 this
18 morning with your attorneys?
19 A No.
20 Q You didn't review the attachment at all?
21 A No, no.
22 Q You just looked at the first page of the
23 document?
24 A Correct.

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1 Q Well, will you look at the attachment now
2 starting on page 857?
3 A Oh, 856.1?
4 Q Correct. Just the document continues.
5 A Page 857, yes.
6 Q And it says enclosure for invention application
7 shaver cleaner?
8 A Uh-huh.
9 Q In that third paragraph you see that it says,
10 "The cleaning principle is based on the finding that the
11 shaving head of an electric shaver cleans itself without
12 disassembly if it is continually immersed in an
13 appropriate cleaning liquid."
14 Do you see that?
15 A Yes.
16 Q Did you understand this invention being directed
17 toward a shaver that was immersed in cleaning fluid?
18 A I repeat, the product that Mr. Höser
19 demonstrated to me, the head of the shaver was submerged
20 in a liquid and subsequently cleaned. That's what I can
21 remember.
22 Q So in that invention it was immersed in cleaning
23 fluid?
24 A The head of the shaver?

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1 Q Yes.
2 A Yes.
3 Q Okay. Did you say that you would have reviewed
4 these attachments at the time you signed this document?
5 A Excuse me, did I?
6 Q Did you say that?
7 A I said I can't remember reading them.
8 Q But that it was more than likely that you would
9 have reviewed them?
10 A Yes, more than likely, but I can't remember
11 reading this.
12 Q Having read it right now or looking at it, that
13 page, does that refresh your recollection?
14 A Absolutely not, no.
15 Q Why don't you take a look at the rest of the
16 pages, kind of flip through them and see if that
17 refreshes your recollection about whether or not you
18 would have reviewed these attachments.
19 A My memory is not jogged by this.
20 MR. UELAND: Let's go off the record for a minute.
21 THE VIDEOGRAPHER: Off the record at 2:48.
22 (discussion had off the record)
23 THE VIDEOGRAPHER: This marks the end of tape No. 3
24 in the deposition of Gilbert Greaves.

42 (Pages 162 to 165)

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1 (a brief recess was taken)
2 THE VIDEOGRAPHER: This marks the beginning of tape
3 No. 4 in the deposition of Gilbert Greaves. We are on
4 the record at 2:56.
5 MR. UELAND: Q Welcome back, Mr. Greaves.
6 In response to some of my questions this
7 morning and this afternoon, you've testified that the
8 first thing you recall as related to the cleaning center
9 project was when you were shown the prototype by
10 Mr. Höser in 1995 or 1996?
11 A Uh-huh.
12 Q Is that right?
13 A That's right, yes.
14 Q Why does that event stick out for you so much?
15 A Because it was the -- well, it's the first thing
16 I can remember. And there was the physical prototype
17 model in front of me working. So it was the first time
18 I saw anything physical.
19 Q Are you certain that that was the first time you
20 saw anything physical?
21 A Absolutely.
22 Q It's the -- I'm sorry. I don't mean to cut you
23 off. Were you done? Okay.
24 Is it the fact that you remember like seeing

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1 something physical and being able to touch something
2 physical that helps make it stick out in your mind?
3 A It's the first time I can remember the -- this
4 seeing -- my first recollection of this project is that
5 product demonstration.
6 Q I guess what I'm asking is, had you been shown
7 something physical in 1993, a physical representation or
8 model of it, do you think you would remember that?
9 A I don't know. I can't answer that question.
10 Q Well, then that's the part I'm having a problem
11 with, then.
12 What is it about that 1995 that makes you so
13 certain that that was the first time you saw something
14 physical?
15 A The first time, my first recollection of this
16 project is that product demonstration by Mr. Höser in
17 the R & D laboratories '95, '96.
18 Q But will you agree with me that based on the
19 document that we just looked at that you were obviously
20 aware of the cleaning center project before then, as
21 early as 1993?
22 A I cannot -- I don't have any recollection of the
23 project prior to the demonstration.
24 Q But from the documents, the documents show that

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1 you were aware of it beginning in at least as early as
2 August of 1993?
3 A But I have no recollection of the project before
4 the demonstration.
5 Q Okay. I guess is there anything about that
6 event in 1995, 1996 that makes it stick out in your
7 mind?
8 MR. PATTON: I object. This has been asked and
9 answered several times.
10 MR. UELAND: Well, I think it's been asked.
11 MR. PATTON: It's been answered several times, and
12 the record is clear.
13 MR. UELAND: The witness can certainly indulge me in
14 responding again.
15 Q If you would, sir, is there something special
16 about the 1995, 1996 event? I ask you this because I
17 thought I understood you earlier that it was the
18 physical part of it. But then I asked you if you were
19 shown something physical in 1993, would you remember it,
20 and you said no.
21 MR. PATTON: I'm sorry, I object. That's not what
22 he said.
23 MR. UELAND: Well, we can read it back if you want
24 to.

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1 MR. PATTON: I don't want to.
2 MR. UELAND: Q You can disagree with me,
3 Mr. Greaves.
4 A I think I said I don't know.
5 All I can say is that demonstration is my first
6 recollection, that's all I can say.
7 Q And you can't say if there is anything about
8 that demonstration that particularly makes it stand out
9 in your mind?
10 A No, no.
11 Q This morning we talked about this case study
12 that you had done in the 2002, 2003 time period, and I
13 asked you if you still had a copy of that document. And
14 you told me that it was in an electronic folder that was
15 on the Braun server?
16 A When I left the company.
17 Q Right.
18 A Yes.
19 Q What other documents were in that folder?
20 A In my folder?
21 Q Uh-huh.
22 A If my -- if I remember correctly, the strategic
23 business plans for 2003-2009 or 2003-2008, I can never
24 remember, and probably the strategic plan for the cycle

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1 before, and there might have been some other documents
2 that I left in because they might be useful to other
3 people.

4 Q Would those strategic plans have included any
5 discussion about the cleaning center?

6 A They would have included -- the shaver financial
7 projections would be based on projected sales figures of
8 shavers with the cleaning segment.

9 Q You testified you left Braun in March of 2004?

10 A My last working day was the 28th or 29th of
11 February, yes.

12 Q Did anyone at Braun ever ask you about any
13 documents that you might have that might relate to the
14 cleaning center project?

15 A Subsequent to leaving Braun?

16 Q While you were still there.

17 A No.

18 Q Did anyone tell you that you should keep any
19 documents that you have that are related to the cleaning
20 center project?

21 A No, not that I recall.

22 Q So you weren't ever asked to collect any of your
23 personal documents that you had that were related to the
24 cleaning center project?

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1 A No, no.

2 Q When you left your role as the business
3 management director for dry shavers, you passed your
4 records along, is that right, to your successor?

5 A They stayed in my office.

6 Q Okay. So I guess they didn't go anywhere,
7 they --

8 A They stayed in -- because he moved into my
9 office and I moved into another office.

10 Q Your successor inherited the documents, is that
11 fair to say?

12 A Correct, yes.

13 Q That document that we were just reviewing,
14 856.1, the one with your signature on it, is that a
15 document that you would have kept in your personal files
16 when you were the business management director for dry
17 shavers?

18 A I don't know. I just don't know what happened
19 to this document.

20 Q Well, I guess my question was a little bit
21 different. I asked, do you know, is this the kind of
22 document that would have been kept in your personal
23 files?

24 A It says here please return within ten days to

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1 PT. PT, that hasn't been translated. Oh, yes, please
2 handle within ten days and return directly to the PT,
3 patent, I don't know what PT is.

4 Q So would you not normally keep a copy of those
5 documents for your own files?

6 A I can't remember.

7 Q So you don't know if this document would have
8 been produced from the files that you left behind?

9 A I can't tell, I can't tell you.

10 Q Have you had any subsequent conversations with
11 any of your successors -- any of the people who have
12 since been the business management director for dry
13 shavers since you left that position?

14 A Yes, of course, in my new function, yes,
15 discussing strategic plans, yes.

16 Q Okay. In discussing strategic plans, does
17 litigation ever come up, the fact that there is a
18 lawsuit pending?

19 A No, no, it's not --

20 Q Is that not taken into account in future
21 planning for a company or for Braun?

22 A In future planning, no. I mean -- No, it
23 wouldn't, no.

24 Q Did you ever talk to any of your successors as

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1 business management director about this lawsuit?

2 A Now wait a minute, this --

3 Q Do you want me to restate the question?

4 A Yes, yes.

5 Q Okay. Earlier you testified that there were
6 three individuals that you can remember who have since
7 been the business management director for dry shavers.

8 Have you talked to any of those individuals
9 about this lawsuit?

10 A No, no, no.

11 Q And I know that it has been a while since, you
12 know, some of these documents are from August of 1993.

13 Would it help you to recall events around
14 August of 1993 if you had the files that you left in
15 your office when you left the position as business
16 management director?

17 A I can't -- I can't tell. That's 11, 12 years
18 ago. I can't tell.

19 Q Well, I'm just saying, if you had other
20 documents that were contemporaneous with that document
21 dated August of 1993, do you think any further context
22 would help you remember those events?

23 A I don't know. I just don't know. I can't
24 answer the question.

44 (Pages 170 to 173)

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1 Q Well, let me ask you this way: If I asked you
2 about current events from January 5th, 1992 -- I mean, I
3 can't imagine that you would know what the front page
4 story was then, is that right?

5 A January the 5th, '92?

6 Q Yes.

7 A No.

8 Q But if you had a newspaper from January 5th,
9 1992, would it be easier for you to testify or to talk
10 to me about what the current events were on January 5th,
11 1992?

12 A If the newspaper was dated.

13 Q Of course, one from that date?

14 A But if somebody changed the date to 1993, I
15 would get very mixed up.

16 Q Certainly, certainly.

17 But a document contemporaneous would help your
18 recollection?

19 MR. PATTON: I object to the form of the question.

20 THE WITNESS: I don't know. I don't know.

21 MR. UELAND: Handing you what's been previously
22 marked as Defendant's Exhibit 20 -- Hold on a second.

23 Handing you what I will mark as Defendant's
24 Exhibit 45, and it's Bates labeled B001065, and it has

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1 also attached to it an English translation that's Bates
2 labeled 001065 ENG and a certification page that attests
3 to its authenticity from the translator.

4 (Exhibit 45 marked as requested.)

5 MR. UELAND: Q Have you ever seen this document
6 before?

7 A I don't remember ever seeing it before.

8 Q Do you remember ever attending a presentation in
9 November of 1992 that Dr. Dietrich Pahl gave about the
10 future of shavers for Braun?

11 A No, I don't recall.

12 Q Would that be something that you would generally
13 attend?

14 A Not necessarily.

15 Q Would you as the business management director
16 for dry shavers have sent one of your, I guess,
17 employees in your place?

18 A You have to distinguish between a presentation
19 that Dr. Pahl might have held within the R & D -- within
20 the technical department compared to one which he would
21 hold through the general management or one between
22 business management and R & D. So different meetings,
23 different audiences.

24 Q Okay. If you look at the English translation,

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1 if that's more comfortable for you, on 1065, you see
2 that it's translated, it says "Known disadvantages."

3 A Uh-huh.

4 Q Do you recall ever speaking with Dr. Pahl about
5 known disadvantages as it pertains to dry shavers?

6 A No, I don't recall.

7 Q Do you recall ever any discussion at all within
8 Braun during the time that you were the business
9 management director about any disadvantages vis-a-vis
10 dry shavers and their ability to be cleaned?

11 A I don't remember any specific conversations,
12 that it was a topic at the back or the front of
13 everybody's minds, it was obvious. But I don't remember
14 any specific conversations with specific people on this
15 topic.

16 Q When you say it was obvious, what was obvious?

17 A The cleaning issue, that it was an area which
18 could be improved. It was like shaving closer or
19 shaving faster or shaving with less skin irritation. It
20 was in that category of shavers that could be improved.

21 Q Was that based on any known studies that showed
22 that there was dissatisfaction with the current methods
23 that shavers were cleaned by?

24 A It was more areas which could be improved.

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1 Q I'm sorry?

2 A It's more areas that could be improved. If I
3 can draw an analogy, greater fuel economy cars, less
4 vibration in cars, I mean, it's -- it's just -- it is
5 inherent in the product that this would be an area which
6 is always in need of improvement.

7 Q Okay. Was it a -- do you recall a time where it
8 became a focus for Braun to specifically concentrate on
9 improving the way a shaver could be cleaned?

10 A As I said, my recollection of where it became a
11 very -- topic of practicable was subsequent to the
12 demonstration of Mr. Höser.

13 Q Okay. So you don't recall there being any
14 particular urgency to develop a better system for
15 cleaning shavers prior to the time you saw that
16 prototype?

17 A I don't recall any heightened priority, no.

18 Q Okay. And as business management director for
19 dry shavers, if that was a priority for your product
20 line to develop a better way to clean shavers or if you
21 thought it was before 1995, 1996, who would you have
22 told?

23 A Who?

24 Q Let me ask it another way.

45 (Pages 174 to 177)

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1 You said that that's the earliest that you can
2 recall. So do you know personally, was it a priority
3 for you prior to that point?

4 A I said I can't -- I can't recall. But, again,
5 analogously, there was work going on on, as I recall, on
6 vibration. There was work going on on cutting systems.
7 There was work going on on improved energy storage.
8 There was work going on on improved electronics all the
9 time.

10 And I would be generally aware of this. But of
11 the specifics of the various projects, I wouldn't need
12 to be involved until they came to a point much closer to
13 commercialization or potential commercialization.

14 Q Okay. But you never provided any specific
15 direction to the R & D department to specifically
16 address that problem?

17 A I can't recollect doing so. I just don't
18 remember.

19 Q Okay.

20 A I mean, this is now we're talking 16 years ago
21 when I started in 1990, 1991. This is a long, long time
22 ago. I just don't recall.

23 Q Okay. If you had provided that direction, would
24 you have written a memoranda or memorandum to the

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1 director of research and development?

2 MR. PATTON: I object to the form of the question.
3 How can the witness answer that when he has just said he
4 doesn't recall?

5 MR. UELAND: Q I think you can answer it.

6 MR. PATTON: It's entirely hypothetical.

7 THE WITNESS: I can't say. I can't say.

8 MR. UELAND: Q During the time that you were the
9 business management director for dry shavers, did you
10 ever direct the research and development department to
11 specifically focus on solutions to problems or things
12 that you thought could be improved with respect to dry
13 shavers?

14 A There were occasions where there would be a
15 request for a shaver to meet a certain price point for a
16 certain rate of profitability, yes.

17 Q And would you issue those requests in writing?

18 A They would probably be formulated by the product
19 program management as a result of a series of meetings.

20 Q Would those meetings be specifically called to
21 address these problems or --

22 A Either a specific project or within the
23 framework of looking for ideas for new shavers.

24 THE WITNESS: Just off the record, I have to be out

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1 of here the latest at half past 4:00.

2 MR. UELAND: Okay. We'll do our best to accommodate
3 you.

4 Handing you what I will mark as Defendant's
5 Exhibit 46, a version of this document that is in German
6 was previously marked as Defendant's Exhibit 16
7 (Exhibit 46 marked as requested.)

8 MR. UELAND: Q I'm going to call your attention,
9 Mr. Greaves, back to the time line that I marked as
10 Defendant's Exhibit 36, if you could look at that for a
11 minute.

12 Do you see that shortly after 1990 there it
13 says thesis for diploma, cleaning station Braun/FH Ffm?

14 A Yes.

15 Q Do you see that?

16 Do you know if the thesis that I marked as
17 Defendant's Exhibit 46, which bears the Bates No.
18 B005220 to 5227, is the thesis that's referred to in
19 that time line?

20 A I don't know. I don't recall seeing this
21 document before.

22 Q Do you recall -- Do you know who Stefan Zeischke
23 is?

24 A No, I don't recall him.

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1 Q That name doesn't sound familiar to you?

2 A No, no.

3 Q If you turn to the last page of the document,
4 you see that this is a list of references?

5 A Uh-huh.

6 Q And it says patent department Braun AG, REM
7 department Braun AG, and documentation Braun AG. Who is
8 REM or what does that refer to?

9 A I have no idea. REM. I have no idea at all.
10 No.

11 Q You see the title of this thesis is development
12 of a cleaning station for electric shaver, do you see
13 that?

14 A Yes.

15 Q And on the list of references, one of the
16 engineers listed is Dr. Jung.

17 A Dr. Jung, yes -- Mr. Jung you mean on the last
18 page?

19 Q Yes.

20 A Yes.

21 Q Earlier I was asking you about people who worked
22 on the cleaning center project. Was Dr. Jung someone
23 who worked on the cleaning center project?

24 A I don't remember him. I don't remember him

46 (Pages 178 to 181)

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1 working on that project.

2 Q Do you know who Dr. Jung is?

3 A I worked with a Dr. Jung when he was the R & D
4 director of personal care, hair care appliances and I
5 was also responsible for that line for a bit.

6 Q Do you see two names under Dr. Jung there is
7 also listed a Mr. Jung?

8 A Sorry. I've seen a Mr. Jung. Where is the
9 Dr. Jung?

10 Q Well, it says Dr. Jung engineer, Braun AG, and
11 then just underneath that it says Mr. Jung?

12 A I'm referring to the Dr. Jung.

13 Q The doctor?

14 A Dr. Jung, that's the guy I worked with on
15 personal care. Mr. Jung -- Mr. Jung I don't recall.

16 Q Do you know the company Mink Bürsten?

17 A No, never heard of them, no.

18 Q Did students typically work with the Braun
19 research and development program in conjunction with
20 writing their thesis?

21 A I can't answer that question.

22 Q Are you aware of any times that that happened
23 while you were working at Braun?

24 A I don't recall any. I really don't recall any.

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1 Q Would there be any sort of approval that would
2 be necessary for the company to support or work with
3 master's candidates?

4 A I don't know what the processes were.

5 Q Who would know that?

6 A Mr. Jestadt, the head of R & D, J-E-S-T-A-D-T.

7 Q Mr. Greaves, would you have been the most
8 knowledgeable person at Braun regarding the needs of the
9 shaver business in the early 1990s?

10 MR. PATTON: I'd object to the form of the question.

11 THE WITNESS: I can't -- I mean, there is such a
12 huge knowledge of this category spread all through the
13 company that so many people had so much experience and
14 knew such a lot. In 1992 I had just been working on the
15 line for 24 months.

16 MR. UELAND: Q What about the commercial needs
17 related to the dry shaving products?

18 A There had been --

19 MR. PATTON: I'm going to object to the form.

20 THE WITNESS: As I said, there were a huge body of
21 knowledge distributed among many people all through the
22 company working on shavers longer than I had, working
23 within Braun longer than I had been with the company.

24 MR. UELAND: Q Well, as business management

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1 director for dry shavers, did you think that it was
2 necessary for you to be aware of the commercial needs in
3 that market?

4 MR. PATTON: I'm sorry, I object to the form of the
5 question.

6 THE WITNESS: Can you rephrase or repeat the
7 question.

8 MR. UELAND: Q Sure, I'll repeat it.

9 As business management director for dry
10 shavers, did you think it was necessary for you to be
11 aware of the commercial needs in the market?

12 MR. PATTON: Same objection.

13 THE WITNESS: The requirements of the job would be
14 to be as well informed as possible.

15 MR. UELAND: Q Okay. And if there were people
16 more knowledgeable than you, who were those people?

17 MR. PATTON: Same objection.

18 THE WITNESS: I can only say that spread across the
19 company there were and are people with an immense
20 knowledge of shavers, all the various aspects of dry
21 shaving.

22 MR. UELAND: Q Well, you said it would be
23 important for you to know in your role as business
24 management director, right?

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1 MR. PATTON: I'm sorry, I object to the form of the
2 question. This is unintelligible. I'm not going to
3 stand by and let the witness answer a question that has
4 no meaning.

5 MR. UELAND: Are you going to instructing him not to
6 answer?

7 MR. PATTON: No. I'm objecting to the form.

8 MR. UELAND: Well, your objection is noted. You
9 know, we're wasting time with your colloquy.

10 MR. PATTON: We're wasting time with a question that
11 says it's important to know. Know what? And I'd be
12 glad to -- this transcript -- This is a big waste of
13 time because we're sitting here asking him questions
14 that nobody can answer.

15 MR. UELAND: Are you finished?

16 MR. PATTON: For now.

17 MR. UELAND: Q All right. You testified that it
18 was important as the business management director to be
19 knowledgeable about the commercial needs in the market?

20 MR. PATTON: I'm sorry, I object to the form. That
21 is not what his testimony was.

22 MR. UELAND: Q Was that -- Is that important as
23 the business management director to know what consumers
24 want?

47 (Pages 182 to 185)

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1 A It is important to know as much as possible
 2 about the category.
 3 Q Including what consumers want?
 4 A Including what consumers want.
 5 Q Including what features consumers consider
 6 desirable, right?
 7 A Including that, yes.
 8 Q Now, are you the most -- were you the most
 9 knowledgeable person during the time from 1990 to 1997
 10 at Braun on that subject?
 11 A I cannot answer that question. How can I
 12 possibly answer that question? You'd have to organize a
 13 quiz among all the people working in Braun from 1990 to
 14 1997 as to what they knew about shavers in that period
 15 of time. I cannot answer that question. I have no
 16 idea.
 17 Q In gathering information about that, did you
 18 ever do that, did you ever ascertain to find out what
 19 consumers wanted or what features consumers thought were
 20 desirable?
 21 A There was a stream of information coming in from
 22 the selling subsidiaries, from market research reports,
 23 from retail audit panels. It was all being analyzed and
 24 collated and conclusions were being drawn. That was an

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1 ongoing process. It's still going on.
 2 Now, whether that represents the total sum of
 3 knowledge on dry shavers and whether that knowledge was
 4 in the head of one person, nobody can say.
 5 Some people might claim to have that knowledge,
 6 but it's extremely arrogant and very unlikely that they
 7 do have it.
 8 Q Did you ever have to report to anyone on what
 9 new products Braun might look to develop that were
 10 responsive to consumer desires?
 11 A There was a regular process.
 12 Q Who did you report to?
 13 A The board of the company.
 14 Q Did you prepare for those presentations?
 15 A We prepared for those presentations with R & D.
 16 Q Okay. So would you ask people in R & D about
 17 what the marketplace was demanding or what they -- the
 18 marketplace thought was desirable in terms of features
 19 for --
 20 A There was a dialogue going on the whole time, an
 21 on-going dialogue.
 22 Q Okay. Who in R & D would you ask about those
 23 issues?
 24 A Dr. Pahl, the people responsible for the various

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1 families of shavers, there would be formal conversation,
 2 there would be informal conversation going on the whole
 3 time. There would be people coming in from the markets.
 4 This was, as I say, this is an ongoing -- it's a fluid
 5 situation.
 6 Q Would there ever -- would you ever request
 7 anything in writing from the people in research and
 8 development?
 9 A The documentation was usually generated and
 10 managed by the PPM function.
 11 Q And the PPM function again is?
 12 A The product program management function.
 13 Q And are those the people who are under the group
 14 managers in your department?
 15 A That was a separate -- the PPM function is a
 16 separate function within technical or used to be. I
 17 don't know how it's organized now.
 18 Q Would you ask the PPM for documentation?
 19 A Well, he would usually put the documents
 20 together. He would -- one of his functions was to
 21 manage the documentation.
 22 Q The PPM would?
 23 A The PPM would.
 24 Q And give them to you?

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1 A Well, he would circulate them to the engineers,
 2 the R & D, and the business managers.
 3 Q Do you know if you ever received anything from
 4 the PPM regarding consumer desires for a better way to
 5 clean a shaver?
 6 A I can't remember.
 7 Q If you had -- If documents that pertained to
 8 that subject exist, would they be with the PPM still?
 9 A I don't know. I don't know the status of the
 10 archives.
 11 Q But they would have been at PPM at the time?
 12 A Probably, yes.
 13 Q Okay. And you don't know generally how long PPM
 14 keeps documents?
 15 A I don't know.
 16 Q Does Braun have off-site storage or somewhere
 17 where they put documents --
 18 A I don't know. I've been retired for 12 months.
 19 I have no idea what's going on now.
 20 Q Did they when you were working for the company?
 21 A I don't know.
 22 Q Did there ever come a time where you had
 23 documents that you no longer thought were useful, what
 24 did you do with them?

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1 A Me personally?
2 Q You personally.
3 A I occasionally shredded documents, yes.
4 Q Did you ever send anything to any off-site
5 storage facility?
6 A I can't remember doing so.
7 MR. UELAND: Are you aware of any research -- I'm
8 sorry.
9 Let me first mark as Defendant's Exhibit 47 a
10 document that is Bates labeled B001008 through 1012.
11 And, again, sir, I would invite you to look at the time
12 line in conjunction with this document.
13 (Exhibit 47 marked as requested.)
14 THE WITNESS: Yes.
15 MR. UELAND: Q This document is entitled external
16 studies for C & C.
17 A Uh-huh.
18 Q Does this refer to studies that were
19 commissioned by Braun by outside entities?
20 A I don't know who commissioned them. There is a
21 list of external organizations, but who commissioned the
22 work I don't know.
23 Q Well, if it's related to the Clean & Charge
24 project, doesn't --

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1 A I just don't -- I don't know. I don't know. I
2 don't want to give you the wrong answer.
3 Q All right. Do you see the first line, it says
4 Fresenius. Am I pronouncing that incorrectly?
5 A Fresenius, yes.
6 Q Fresenius hygiene study 1994/1998/2000.
7 Now, I understand you left your role as the
8 business management director for dry shavers in 1997.
9 A Correct.
10 Q So I'll just focus on the 1994. Do you remember
11 any Fresenius hygiene study?
12 A No.
13 Q Who is Fresenius?
14 A It is, I think, a laboratory that does chemical
15 tests principally, I think, on water, on safety and
16 cleanliness of water. So if you want some material
17 tested for its components or whether it's safe, whether
18 the food is safe, you would go to this institute. I
19 think that's what they're specialized in.
20 Q Okay. Did you ever have an occasion to work
21 with Fresenius while you were the business management
22 director?
23 A Personally not.
24 Q Did you ever direct anyone to --

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1 A No, never, never.
2 Q If you see down underneath the Fresenius entry,
3 and then the one for TÜV Rheinland, there is one that
4 says CONFARMA/Inchem 1997 and 1998. And underneath that
5 it says, compatibility of substances with skin,
6 compatibility of substances with mucous membrane.
7 Do you see that?
8 A Yes.
9 Q Who is CONFARMA?
10 A I don't know. I'm sorry. I haven't heard of
11 them.
12 Q Who is Inchem?
13 A Also, I don't know, I don't know.
14 Q If there were external studies that were done in
15 conjunction with a project, is that a function more
16 of -- under you as the business management director or
17 more under someone like Dr. Dietrich Pahl as the head of
18 the R & D department?
19 MR. PATTON: I object to the form of the question.
20 THE WITNESS: Put it this way, I would not in my
21 function commission technical outside studies.
22 MR. UELAND: Q Okay. Do you know what entity
23 would do that?
24 A Somebody in the technical department.

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1 Q Does the technical department include research
2 and department?
3 A It would include research and development, yes.
4 Q Who else would it include or what other
5 functions would it include?
6 A Engineering, quality, manufacturing and design.
7 Q Don't all those entities that you just listed,
8 don't they all fall under the larger umbrella of
9 research and development?
10 A No.
11 Q No?
12 A No.
13 Q They're separate?
14 A They're separate.
15 Q Well, who is the head of engineering?
16 A Do you really want somebody who has been outside
17 the company to talk about the organization at Braun?
18 Q Who was the head of engineering during the time
19 that you were the business management director?
20 A I don't remember his name. I just -- I don't
21 know.
22 Q Would I go to HR for that?
23 A You would have to go to HR for that.
24 Q Who is -- You said quality is another

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1 department. What do you mean by that?

2 A Quality control, quality integrity.

3 Q Okay. Who was the head of the quality control

4 department during the time that you were the business

5 management director at Braun for dry shavers?

6 A The name is gone, I don't know. I just don't

7 remember.

8 Q I would have to follow up with HR for that?

9 A Yes.

10 Q What about manufacturing and development or, I'm

11 sorry, manufacturing and design, do you know who the

12 head of the manufacturing and design department was?

13 A Well, they are two separate departments. Design

14 I think was still Professor Rams, R-A-M-S. And

15 manufacturing, again, I have a hazy memory, I don't

16 know, I can't give you -- it would be speculation if I

17 gave you a name.

18 Q Okay. Do you know why any of these divisions

19 would commission external tests as they were developing

20 a product?

21 A No, that would be their decision for their

22 reasons.

23 Q So you don't know why someone in one of those

24 groups would commission a hygiene test?

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1 A No.

2 Q And would -- and the results of a hygiene test

3 wouldn't be shared with the business management

4 director?

5 A I cannot recall seeing the results of the -- of

6 any of these tests. And as you yourself said, after

7 1997 it wouldn't have been my area of responsibility.

8 Q Apart from the cleaning center project, sir, do

9 you recall ever being shown the results of a hygiene

10 test when you were the business management director?

11 A I can't recall now.

12 Q Okay. What about any tests from Inchem, and,

13 again, this is apart from the cleaning center project,

14 are those the kinds of external studies that you're

15 shown?

16 A I don't know what Inchem does. I don't even

17 know what the company does.

18 Q All right. Do you know what an approbation

19 inquiry for fire and explosion is?

20 A If you want to sell an electrical product in a

21 country, you have to get the product approbated. In

22 other words, an independent authority has to confirm

23 that the product is safe for sale.

24 In the United States I think it's UL, United

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1 Laboratories, and in Canada it's CSA, so you will see a

2 symbol on products sold in the States with UL/CSA.

3 And the process of getting the approval that

4 the product is safe for sale and meets all technical and

5 safety requirements is called the approbation authority.

6 Also, obviously a product must be fire safe.

7 So that would be the background for this

8 approbation. It is the -- The approbation process

9 obtains the certification that the product meets legal

10 requirements and can be sold. If you don't have the

11 approbation, you can't sell.

12 Q So it's a prerequisite to commercialization?

13 A Correct.

14 Q So as a business management director, are you

15 concerned with getting an approbation?

16 A I would be very concerned with not getting one

17 because then you can't launch your new sales. Yes, it's

18 extremely important to get the product approbated.

19 Q Would you -- is that your responsibility to get

20 it approbated?

21 A No.

22 Q Whose responsibility is that?

23 A When I was working, I think it was in the

24 quality department, it was one of the functions of the

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1 quality -- to -- based on the information provided to

2 them to liaise with the approbation authorities and get

3 the sales release.

4 Q Would you only hear about quality about

5 approbation if it wasn't approbated or would you hear,

6 yes, we got the thumbs up, we got approbation?

7 A Both. You got it -- also, you get a warning

8 that there is a problem because if there is a problem,

9 you'd have to go to the sales subsidiaries and say there

10 could be a delay or there is a delay.

11 Q Okay. Do you know during the time that you were

12 the business management director, was there ever a

13 problem or an issue getting the cleaning center

14 approbated?

15 A Prior to 1997?

16 Q Well, my question does have that limitation

17 built into it, so that would be my first question, yes.

18 A It wasn't relevant. I mean, to get an

19 approbation, you have to submit a final product.

20 Q I see.

21 A To get the final -- you have to go to them, this

22 is the shaver, this is the cleaning center, please do

23 all your tests and tell us -- and give us the

24 approbation.

50 (Pages 194 to 197)

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1 Q So you weren't thinking this thing -- This
2 cleaning center project to your mind wasn't anywhere
3 near being ready to be commercialized at the time you
4 left?

5 A It was a long way in the future as far as I
6 could tell at the time I left, yes.

7 Q Okay. So, I mean, it just wasn't an issue at
8 all?

9 A Not when I left shavers, no.

10 Q Do you know -- and you asked me, you know, if I
11 was asking you ever about approbation.

12 Do you know if ever, including the time after
13 you left your role as business management director,
14 there ever became an issue with obtaining approbation
15 for the cleaning center?

16 A I cannot recall any problems. I have no
17 recollection of there being any problems at all.

18 Q Okay. If there were problems with it, would
19 those kinds of documents reporting on those problems be
20 in the quality assurance group?

21 A I would assume that all documentation relative
22 to approbation would be within the quality department if
23 that's where this process is still -- still lies.

24 Q Would information about problems with obtaining

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1 approbation be shared with the business management
2 director for dry shavers in the instance that it
3 pertains to the cleaning center project?

4 A If the problem were grave enough to endanger
5 launch dates, yes.

6 Q Well, doesn't failure to obtain approbation
7 affect launch dates?

8 A Well, you can have a small problem that can be
9 fixed very quickly and doesn't affect the timetable.

10 Q Okay.

11 A Then that would just, you know, that's normal
12 work.

13 If it's something major that requires a product
14 redesign or some major change, then, obviously, the red
15 flag would go up.

16 Q Okay. How much of a red flag is that? Is it
17 something that you as in your role of director of
18 strategic analysis, is that right?

19 A This would be relevant for the product line
20 director.

21 Q Only?

22 A Only. Well, I mean, it's -- a delayed product
23 launch is relevant for the whole company, but
24 operationally it's a major, major issue for the product

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1 line director.

2 Q I guess my questions is how high up does that
3 information go? Would the product line director have to
4 report that to someone?

5 MR. PATTON: I object to the form.

6 THE WITNESS: I mean, let's put it this way, a delay
7 in the approbation on a major product is an issue for
8 the whole company.

9 MR. UELAND: Q Fair enough.

10 Do you know if Braun had any research, any
11 market research that indicated that consumers did not
12 believe that the cleaning process was of high
13 importance?

14 A I'm not aware of -- I'm not aware of that
15 research.

16 MR. UELAND: All right. I'm going to hand you what
17 I'm going to mark as Defendant's Exhibit 48.

18 (Exhibit 48 marked as requested.)

19 MR. UELAND: Q And it is Bates labeled B001028
20 through 1032, and this document includes German pages
21 and then translated pages, as well.

22 If you turn to the page marked B001028 ENG,
23 it's the first page in English, it's entitled group
24 discussion washable shaver Braun user.

Page 201

1 Have you seen this document before?

2 A I don't recall seeing it, no.

3 Q Okay. Do you know, is this something that Braun
4 is -- typically does, that is, invite groups of users of
5 its products for discussions?

6 A When I was running shavers, yes, it was
7 something we would typically do, yes.

8 Q This helps you ascertain --

9 A By the way, can I make a general observation?

10 Q Yes.

11 A I repeat, I have not been working at this
12 company for 12 months.

13 Q I understand.

14 A So when you ask me does Braun do this, does
15 Braun do that, when I'm talking about business
16 management, it's valid up to 1997.

17 Q Okay. That's fair.

18 A It's quite important, I think. And that
19 anything I say between '97 and 2004 is within the
20 function of strategic planning. And for two years I was
21 not working here, I was working in the United States of
22 America, so just to qualify everything I've said.

23 Sorry. That was a digression.

24 Q That's not a problem.

51 (Pages 198 to 201)

Page 202

1 The reason why during the time that you were
2 the business management director you would hold these
3 group discussions is because it was a good way to find
4 out what consumers wanted or what was important to
5 consumers?

6 MR. PATTON: Object to the form of the question.

7 THE WITNESS: It was a standard process to elicit
8 information from the market relative to a product or to
9 a particular issue, product issue.

10 MR. UELAND: Q The first question here is what
11 negative aspects of dry shaving can you spontaneously
12 think of, do you see that?

13 A Uh-huh.

14 Q And then it has number, and then it has a number
15 of, I guess, responses. The first one is 14 not so
16 thorough. Does that indicate to you that 14 people
17 responded that the number -- the thing that they could
18 spontaneously think of was that dry shaving was not so
19 thorough?

20 A The reason I can't answer that question is that
21 I don't know how many people took part in these group
22 discussions. I don't see a description of the
23 methodology, so I would be speculating if I told you
24 what I thought 14 meant.

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1 Q Does that stand to reason that it's 14 people
2 respond to that?

3 MR. PATTON: Object to the form of the question.

4 THE WITNESS: We'd have to look at the methodology
5 to -- otherwise it's a speculative answer.

6 MR. UELAND: Q That's fine.

7 If you please turn to B001031 ENG.

8 A Yes.

9 Q There are a number of questions there. It says,
10 how often do you clean the shaver, and there is times
11 per week sort of on a little bit of a graph here. Then
12 there is three, how satisfied are you with. And that's
13 on a scale of one to seven with seven being very
14 satisfied and one being not satisfied at all. And then
15 question 4 is when considering the complete shaving
16 process, what importance does the cleaning process have
17 for you, and that again is on a scale of one to seven
18 with one being low importance and seven being high
19 importance.

20 And at the bottom there next to the arrow it
21 says, the cleaning process does not have such a high
22 importance.

23 Does this refresh your recollection that Braun
24 had market research that suggested that the cleaning

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1 process wasn't important to consumers?

2 MR. PATTON: I object to the form of the question.

3 THE WITNESS: Well, I don't recollect seeing this
4 particular piece of research. And I don't recollect --
5 I don't recollect seeing this particular piece of
6 research.

7 MR. UELAND: Q And it doesn't refresh your
8 recollection that Braun knew or had market research that
9 stated the cleaning process did not have such a high
10 importance?

11 MR. PATTON: Please note my objection.

12 MR. UELAND: Q It's apart from whether or not
13 you've seen this document.

14 Just does it refresh your recollection that
15 Braun had that information?

16 A If this is a group discussion with a certain
17 number of respondents, No. 1, this is not a quantitative
18 study. The next stage would be to go and validate what
19 you think you found in here on a statistically
20 significant sample of people. So the fact that you got
21 this piece of paper, the next thing you have to do is go
22 out and validate it with a representative sample on a
23 much bigger scale.

24 So this is not knowledge, this is not validated

Page 205

1 knowledge.

2 Q What is it, then?

3 A What I just mentioned, that you'd have to go out
4 and validate the results.

5 Q And you don't know either way whether or not
6 this was ever validated?

7 A I don't know. I don't know.

8 Q Okay. You know, we've been talking -- we talked
9 today a little bit about the commercialization of a
10 product. And you said that you were consulted by the
11 patent department to determine whether or not it was
12 commercially worthwhile to pursue patent protection, is
13 that right?

14 A On a -- generally, yes.

15 Q Okay. Apart from just working with the patent
16 department, were you as the business management director
17 for dry shavers in a position where you were to evaluate
18 whether a product was worth commercializing?

19 A It was part of the evaluation of the potential
20 of products. It was part of the -- it was part of the
21 function of the department.

22 Q So yes?

23 A Yes.

24 Q Okay. What sorts of data did you rely on in

52 (Pages 202 to 205)

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1 deciding whether or not products were worthwhile of
2 development and that they should be commercialized?

3 A You would use things like design tests to see if
4 people liked the design. You would do price point
5 studies to see if people were -- the people responded
6 with interest in a product at a particular price point.
7 You would do tests on various positionings. You would
8 do tests on the advertising. You would test the
9 packaging. There would be a whole range of tests that
10 you could -- that we can do up to 1997.

11 Since 1997, as I understand it, there was a
12 whole new range of techniques which I can't explain to
13 you. But I know that they've been developed to evaluate
14 the product's potential.

15 Q All right. If you had information that
16 indicated that consumers were satisfied with the status
17 quo with the way that shavers are cleaned right now,
18 would that make it more or less likely for Braun to
19 pursue commercialization of a new product?

20 MR. PATTON: I object to the form of the question.
21 It's a hypothetical.

22 THE WITNESS: I think it's a platitude about
23 consumers that people don't know what they want. Okay.
24 Who wanted an iPod before it came out?

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1 MR. UELAND: Q Who wanted a what?

2 A An iPod before it came out. And there are many,
3 many examples of some product coming on the market and
4 being extremely successful. It creates its own demand
5 or, okay, yes, it doesn't seem so important. But if the
6 solution is so simple, well, okay, I will buy it, it's
7 not a major, major issue, but it's such a fantastic
8 solution, it's so easy to use, and I am generalizing, I
9 am prepared to pay the price.

10 And, unfortunately, you cannot rely on --
11 sometimes you can't rely on market research to pull out
12 this kind of consumer response.

13 Q Would you think it's a fair comparison to
14 compare the cleaning center to the iPod in terms of that
15 sort of demand?

16 A I was talking in general terms. I was just
17 talking and making an analogy. All analogies are false,
18 as we know.

19 Q Right. And I'm just asking you, do you think
20 it's an apt analogy, I'm taking your analogy and asking
21 you whether or not you think that that's a good way to
22 describe the demand for this product?

23 A The response that this product receives and
24 continues to receive I think is -- confirms the fact

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1 that it's fulfilling a consumer need. I think that as a
2 fact nobody would disagree with that.

3 I can't judge whether the -- I'm not capable of
4 judging whether all the work done prior to the launch
5 correctly projected the extent of the consumer response.
6 I can't judge that. All I can tell you is that it's,
7 obviously, at least it was until I left the company, a
8 very successful product.

9 Q How do you define a commercially successful
10 product?

11 A One that meets the financial criteria that the
12 Gillette Company has set up.

13 Q Is there a specific criteria that the Gillette
14 Company has set out?

15 A They set a minimum criterion, yes.

16 Q Do you know what those are?

17 A No, no longer, no longer, things like return on
18 investment and the standard return and return on
19 investment, things like that.

20 Q Is that something that a business management
21 director for a particular line or product would know?

22 A Yes.

23 Q Is that written down somewhere?

24 A That would be somewhere in the financial

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1 department, yes, again, until the end of February, 2004.

2 Q Right, no, right, I understand. I understand.

3 Outside of those numbers are there any other
4 indicators to you as to whether a product is
5 commercially successful?

6 A Well, there are financial criteria that have to
7 be fulfilled consistently. That's one measure. Then
8 there is the -- you put together a sales plan, how many
9 products are you going to sell at what price, have you
10 met those requirements, then have you met the cost
11 targets, have you generated the sales within the
12 advertising budgets. I mean, there are a whole slew of
13 criteria which have to be met. But probably the core
14 one is the return on the investment.

15 Q Okay. When you first saw the prototype in 1995,
16 1996, did you think or did you have any urgency to get
17 that product to market?

18 A I think I've mentioned that when I first saw it
19 and I had these observations on size, noise, and initial
20 cost estimates. And until those issues had been
21 resolved, it was very difficult to make an informed
22 evaluation.

23 Q At that point you were --

24 A At that point.

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1 Q Okay. So at the time you saw it, you didn't
2 have any idea that we need to get this product to market
3 as soon as we can?

4 MR. PATTON: I object to the form of the question,
5 asked and answered.

6 THE WITNESS: I can only repeat that when I saw it,
7 I saw question marks on size, noise, and cost.

8 MR. UELAND: Q Okay. Do you know of any
9 information or market research that Braun has or
10 gathered prior to commercializing the product that
11 suggested that this product would be a success?

12 A I can't recall. I can't recall any. As I said,
13 I moved off the shaver line in '97.

14 Q Would your successors, would they have that
15 information if it existed?

16 A As I said, if it exists, it's in the market
17 research archive.

18 Q Okay.

19 A If it's still on record.

20 Q Okay.

21 MR. UELAND: If we can go off right now, I can just
22 see how much I have left and hopefully finish up.

23 THE VIDEOGRAPHER: Off the record at 3:59.
24 (a brief recess was taken)

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1 THE VIDEOGRAPHER: On the record at 4:03.

2 MR. UELAND: Q All right. Mr. Greaves, earlier on
3 you testified about your group manager who was under you
4 during the time that you were the business management
5 director, a man by the name of Mr. Blueder?

6 A Correct.

7 Q When Mr. Blueder would communicate or report to
8 you, would he ever do it in writing?

9 A He would copy me in memos or e-mails if we had
10 e-mails at that time, I can't remember. He would copy
11 me in. But he was -- our offices were next to each
12 other, so, I mean, it was mostly verbal communication.

13 Q Okay. But the memos that from time to time that
14 he would copy you on, would you keep those documents in
15 your files?

16 A Yes.

17 Q Earlier on I asked you who the most
18 knowledgeable person in Braun about consumer desires
19 about particular features of products would be, and I
20 appreciate that Braun is a large company and that there
21 might not be one person who is most knowledgeable.

22 But let me ask you this: You said you started
23 in 1990. If on the first day of your job someone asked
24 you, Mr. Greaves, please tell me what consumers desire

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1 in a dry shaver, who would you have gone to to get that
2 information?

3 A I would have talked to the people in Germany
4 because it's a big market, Japan was extremely
5 important, so I would have talked to the company manager
6 of Japan, I would have talked to the R & D people, I
7 would have talked to the market researchers. I would
8 have talked to the product managers I inherited when I
9 took over the line.

10 Q Who are some of those names that you mentioned
11 in those titles?

12 A I'm not being facetious, mostly people who have
13 since retired.

14 Q Okay. Can you give me their names in any event?

15 A Hans Pauli, who was the company manager in
16 Japan; David Hawkins who ran market research but he is
17 apparently very sick, has a big onus. Then the -- I
18 mean, how many names do you want?

19 Q Well, why don't you give me the names of the
20 project managers that you inherited?

21 A You're not going to call them as witnesses, are
22 you?

23 Q Oh, that's all right, I forgot. We asked that
24 earlier and you didn't recall.

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1 A I don't remember the product managers. I
2 remember David Hawkins was head of market research.
3 Pauli was the R & D guy. Helmet Faulstich, a name I've
4 mentioned, was PPM. He has tremendous experience on
5 program management on shavers. Hans Pauli was in
6 Germany. I think, actually, Hans-Martin Blueder was
7 running shavers in Germany at the time. So he knew a
8 lot about the German market.

9 And, you know, so the list of -- there is a guy
10 called Peter Waller who was the marketing manager in the
11 United States, but he is -- I think he works for
12 Kentucky Fried Chicken now. I mean, the lists -- I
13 mean, that's the trouble, people -- they change their
14 jobs and then they go on to another company and then
15 they go on to the next company.

16 Q Right. Did any of those names that you listed,
17 did they leave the company in the time period that you
18 were the business manager?

19 A Peter Waller did.

20 Q He is the one who went to Kentucky Fried
21 Chicken?

22 A Yes.

23 Q Do you know who replaced Peter Waller?

24 A These guys are going to kill me. A guy called

Gilbert Greaves April 29, 2005

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1 Dick Cantwell became the marketing manager of the United
2 States. He ran the United States marketing operation
3 for many years.

4 Q Okay.

5 A So he knew the United States market very well.

6 Q Okay. So after the time that Mr. Waller left
7 and if you needed to know what consumers wanted in the
8 United States market, would you go to Mr. Cantwell?

9 A Well, when you say what consumers wanted in the
10 United States market, I don't think anybody had that
11 comprehensive knowledge. The marketing manager in the
12 United States would tell me about the market conditions,
13 which shaver models were selling well, what the trade
14 was saying, the problems and opportunities he saw from
15 his perspective. That kind of information would be
16 coming in on a permanent basis from all markets. It was
17 kind of institutionalized in the company.

18 Q If you could just turn back to the time line,
19 Defendant's Exhibit 36.

20 MR. PATTON: Here it is.

21 THE WITNESS: Thanks.

22 MR. UELAND: Q You see that sometime after 1995
23 but it looks like before 2000 it says Phillips washable
24 Quadra action U.S.A.

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1 A Yes.

2 Q Are you familiar with or do you know what the
3 Phillips washable Quadra action is?

4 A I think that it refers to a product that
5 Phillips brought out with a sachet with cream, and I
6 think like a saving foam. And as you shaved, this --
7 the cream came onto the skin and then you -- to make a
8 more refreshing, smoother shave.

9 Q The cream came out of the shaver?

10 A Out of the shaver, yes. And then there was a
11 sachet on the back of the shaver. I think with the
12 pressure and this stuff would come out onto the skin
13 with the shaving action. Subsequent to the shave you
14 would wash it off your face and you would rinse the
15 shaver to get all the cream and dirt out. I think
16 that's what it's referring to.

17 Q Okay. Have you ever heard of a product called
18 the Philishave Action Cleaner?

19 A I assume it's this one. Action Cleaner? No.

20 Q No?

21 A No. Phillips Action Cleaner, no.

22 Q Did you ever -- Did there ever come a time that
23 you can recall, and this is in or around the end of your
24 tenure as business management director, looking at a

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1 video of a competitive shaving product or competitive
2 cleaning product for a dry shaver?

3 A No, no, not around '96, '97.

4 Q Before then?

5 A No, no.

6 I can recall Phillips' commercials, but when
7 the product with the sachet came out, I'm afraid I can't
8 remember. I can remember seeing commercials, but I
9 can't remember a specific commercial on the cleaning.

10 Q Do you remember Phillips ever commercializing a
11 product, a dry shaver product that could be cleaned
12 using a cleaning fluid?

13 A I remember seeing in trade, trade business in
14 the States a Phillips cleaning contraption, but I can't
15 remember how it worked. But it was a separate, as I
16 recall it, a separate unit that you bought separate from
17 the shaver, but I can't remember how it worked.

18 Q So you don't know if it used cleaning fluid
19 either?

20 A I can't recall. I'm afraid I can't recall.

21 Q So you don't know if Braun ever did any testing
22 on that Phillips cleaning fluid?

23 A I cannot recall I'm afraid, no.

24 Q Do you know if that Phillips product employed

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1 the use of a filter?

2 A I don't know. I'm afraid I can't remember.

3 MR. UELAND: Okay. Mr. Greaves, thank you for your
4 time. I don't have any other questions for you.

5 THE WITNESS: Thank you.

6 MR. PATTON: No, no. Thank you.

7 THE VIDEOGRAPHER: This marks the end of tape No. 4
8 in the deposition of Gilbert Greaves. We are off the
9 record at 4:12.

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55 (Pages 214 to 217)

Gilbert Greaves April 29, 2005

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1 STATE OF ILLINOIS)
) ss:
 2 COUNTY OF COOK)
 3

4 The within and foregoing deposition of the
 5 aforementioned witness was taken before TRACY L.
 6 BLASZAK, CSR, CRR, and Notary Public, at the place, date
 7 and time aforementioned.

8 There were present during the taking of the
 9 deposition the previously named counsel.

10 The said witness was first duly sworn and was
 11 then examined upon oral interrogatories; the questions
 12 and answers were taken down in shorthand by the
 13 undersigned, acting as stenographer and Notary Public;
 14 and the within and foregoing is a true, accurate and
 15 complete record of all of the questions asked of and
 16 answers made by the aforementioned witness, at the time
 17 and place hereinabove referred to.

18 The signature of the witness was not waived,
 19 and the deposition was submitted, pursuant to
 20 Rules 30(e) and 32(d) of the Rules of Civil Procedure
 21 for the United States District Court, to the deponent
 22 per copy of the attached letter.

23 The undersigned is not interested in the within
 24 case, nor of kin or counsel to any of the parties.

Page 219

1 Witness my official signature and seal as
 2 Notary Public in and for Cook County, Illinois, on this
 3 _____ day of _____, A.D. _____.
 4
 5
 6
 7
 8

9 TRACY L. BLASZAK, CSR, CRR
 CSR No. 084-002978
 230 West Monroe Street
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 Chicago, Illinois 60606
 Phone: (312) 263-3524
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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MASSACHUSETTS

BRAUN GmbH,)
)
 Plaintiff,)
)
 -vs-) No. 03-CV-12428 (WGY)
)
 RAYOVAC CORPORATION,)
)
 Defendant.)

I, GILBERT GREAVES, being first duly sworn, on
 oath say that I am the deponent in the aforesaid
 deposition taken on April 27, 2005; that I have read the
 foregoing transcript of my deposition, consisting of
 pages 1 through 220 inclusive, and affix my signature to
 same.

GILBERT GREAVES

Subscribed and sworn to
 before me this _____ day
 of _____, ____.

Notary Public
 tb

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May 9, 2005

Mr. Gilbert Greaves
 c/o Ropes & Gray, LLP
 One International Place
 Boston, MA 02110
 Attn: Mr. William L. Patton
 Re: Braun vs. Rayovac
 03-CV-12428
 Dep: Mr. Gilbert Greaves - 4-29-05

Dear Mr. Greaves:

The deposition testimony given on April 29, 2005,
 in the above-captioned case has been transcribed, and
 inasmuch as signature was not waived, this is to advise
 that the deposition will be available in our office for
 30 days for reading and signing.

If you choose to read and sign your deposition at
 our offices, please call the undersigned for an
 appointment. Our office hours are from 9:00 a.m. to
 4:00 p.m., Monday through Friday.

If you choose to make other arrangements for the
 reading and signing of your deposition, please advise us
 of the arrangements you have made in writing within 30
 days from the date of this letter.

Sincerely yours,

LegalLink

cc: Mr. Kevin S. Ueland tb126187
 LEGALINK - CHICAGO
 (312) 263-3524

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